

# AMENDED

## AGENDA FOR THE MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES

DATE: THURSDAY, JULY 8, 2010  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

### A. MINUTES

1. Amended March 25, 2010 Minutes
2. Amended April 19, 2010 Minutes
3. Amended May 13, 2010 Minutes
4. June 10, 2010 Minutes

### C. FORESTRY AND WILDLIFE

1. Termination of Special Use Permit Issued July 14, 2009 to Mr. Jack R. Hendrickson of Mid-Pacific Communications, Inc., Permittee, Lihue-Koloa Forest Reserve, Kawaihau District, Kauai, Tax Map Key: (4) 4-2-001: 011
2. Approval to Conduct Public Hearings to Amend Hawaii Administrative Rules Chapter 13, §13-122, "Rules Regulating Game Bird Hunting, Field Trials and Commercial Shooting Preserves," and §13-123, "Rules Regulating Game Mammal Hunting."
3. Request for Authorization to Negotiate and Sign a Contract to Construct Six Miles of Ungulate Proof Fence on Mauna Kea to Protect Palila Critical Habitat.

### D. LAND DIVISION

1. Resubmittal After-The-Fact Assignment of Sublease of General Lease No. S-3852, Nextel WIP Lease Corp. dba Nextel Partners, Assignor, to TowerCo LLC Assignee, and the Consent to of the Five (5) years Extension of Sublease to TowerCo LLC. Waimea, Kekaha, Kauai Tax Map Key: (4) 1-2-02: por. 06.

2. Consent to Assignment of Grant of Non-Exclusive Easement, John Martin Davis, Assignor, to Miller Aquino Picardal, Assignee, Olaa, Puna, Island of Hawaii, Tax Map Key: 3rd/ 1-6-13: por.
3. General Lease No. S-3961, Consent to Transfer of 100% Stock Ownership of Parent Company of Hilo Hawaiian Associates, Lessee, to HH Associates, LLC, Transferee, and Consent to Mortgage, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-1-03:05.
4. Amend Prior Board Action of July 11, 2008, Item E-2, as amended, Grant of Perpetual, Non-Exclusive Easement to Department of Transportation, Airports Division, for Remote Noise Monitoring Station Purposes at the Wailoa River State Recreation Area, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 2-2-13:03.
5. Rescind Prior Board Actions of September 22, 2000, Item D-7; December 13, 2002, Item D-38; April 25, 2003, Item D-14; and September 23, 2005, Item D-3, as amended;

Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Small Boat Harbor and Related Purposes, Kealakehe, North Kona, Island of Hawaii, Hawaii; Tax Map Keys: (3) 7-4-08: 3, 40, 41, 42, 46, 50 and 75.

6. 1) Sale of Remnant to Alan Bradbury, Loiloa and Keopuka, Koolau, Maui, Tax Map Key: between (2) 1-1-1:44 and 1-1-1:23.  
  
2) Approval in Concept for Removal of Approximately 0.25 Acres, More or Less, from Koolau Forest Reserve, Governor's Proclamations Dated August 24, 1906, May 20, 1925 and/or May 2, 1938, Honomanu and Keopuka, Koolau, Maui, Tax Map Key (2) 1-1-001: portions of 023 and/or 044.  
  
3) Set Aside to the Department of Transportation, Highways Division for Drainage Purposes, Loiloa and Keopuka, Koolau, Maui, Tax Map Key: (2) 1-1-001: portions of 023 and/or 044.
7. Issuance of Revocable Permit to MC&A, Inc. for a Beach Activity Event for The Glaxo, Smith, & Kline Pharmaceutical Co. at Wailea Beach, Maui, at Tax Map Key:(2) 2-1-023: seaward of 007.
8. Amend Prior Board Action of March 11, 2010, Item D-10 and October 27, 2000, Item D-13, Grant of Term, Non-Exclusive Above Ground Water Line Easement to Keith Scott Douglas and Bonnie May Douglas for Pasture Purposes, Makawao, Maui, TMK (2) 2-9-011:portion of 008.

9. Cancellation of Governor's Executive Order Nos. 2141, 3111 and 3403 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Manele Bay Small Boat Harbor Purposes, Kamao, Lanai, TMK:(2) 4-9-17: 6, and for Kaanapali Recreational/Commercial Boat Mooring Area Purposes, Lahaina, Maui, TMK:(2) 4-4-1, 6, 8, and (2) 4-5-14.
10. Issuance of Revocable Permit to JTB Hawaii, Inc. for Beach Activities Purpose at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-37:portion of 21.
11. Consent to Revocable Permit of Lands under Governor's Executive Order No. 4097 to the Department of Business, Economic Development and Tourism, Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.
12. Amend Prior Board Action of July 30, 2004, Item D-10; Request for Construction Right-of-Entry and Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Bus Bay Purposes; Diamond Head, Honolulu, Oahu; TMK (1) 3-1-042:portion of 010.
13. Reconsideration of Rent under General Lease No. 5-5468 to Waimanalo Teen Project for Multi-Purpose Community Facility Purposes, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:265.
14. Sale of Remnant to Elden K. Fernandez and Lawrence J. Fernandez Jr. as Trustees for the Ruth H. Fernandez Revocable Living Trust, Puahuula Tract, Kaneohe, Oahu, Tax Map Key:(1)4-5-044:portion of 009.
15. Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu for Drainage Purposes, Heeia, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-003:seaward of 077.
16. Issuance of Direct Lease to Hawaii Fish Company, Inc. for Aquaculture Purposes, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-9-001:002, 003, 033, and 036.
17. Amend Prior Board Action of November 18, 1994, Item F-9; October 22, 1999, Item D-5; March 10, 2000, Item D-5; Perpetual, Non-Exclusive Easement to GTE Hawaiian Telephone Co. for Utility Purposes; Keawaula, Waianae, Kuaokala, Kaena, Mokuleia, and Waialua, Oahu, TMK (1) 8-1-1:por.14; 6-9-3:por.2 and 5; 6-9-1:por.4; 6-9-4:por.9, and 6-9-5:por.7.
18. Amend Prior Action of March 11, 2010, Item D-20; Mutual Cancellation of General Lease No. 5382; Issuance of Direct Lease to Waianae District Comprehensive Health and Hospital Board, Incorporated for Health Care and Medical Facilities Purposes, Lualualei, Waianae, Oahu; TMK (1) 8-6-1:3.

19. Set Aside to Hawaii Housing Finance and Development Corporation for Affordable Senior and Multi-Family Rental Housing Projects; Rescind Prior Action dated March 28, 2008, Agenda Item D-12; Waimano, Ewa, Oahu, Tax Map Key: (1) 9-7-019:035.
20. Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display, Honolua, Lahaina, Maui, Tax Map Key:(2)4-2-004:seaward of 015.
21. Issuance of Revocable Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display; Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu; TMK (1) 2-3-037:portion of 021. *Submittal to be distributed.*

#### **E. STATE PARKS**

1. Requesting Approval to Issue Month-to-Month Revocable Permits (RP) Pursuant to HRS Section 171-55, to Two Commercial Companies: Adventures in Paradise and Hawaii Pack and Paddle for Landing and Launching Kayaks at Kaawaloa, Kealakekua Bay State Historical Park, to Include Launching and Landing at Napoopoo Landing as Part of a Guided Kayak Tour, on Terms and Conditions to be Negotiated by the Chairperson. *Submittal to be distributed.*

#### **F. AQUATIC RESOURCES**

1. Request for Final Approval of Amendments to Hawaii Administrative Rules Chapters 13-74 Licenses and Permits and 13-94 Bottomfish Management
2. Request for Approval to Hold Public Hearings for Amendments to Hawaii Administrative Rules Chapter 13-95, Rules Regulating the Taking and Selling of Certain Marine Resources
3. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Education Permit to Dr. Andrew Rossiter, Waikiki Aquarium, for Access to State Waters to Conduct Coral and Fish Collection Activities
4. Request for Approval to Hold Public Meetings and Hearings to Adopt Chapter 13-60.8 Hawai'i Administrative Rules, Hawai'i Island Fisheries Rules
5. Request for Approval to Hold Public Meetings and Hearings to Adopt Chapter 13-60.85 Hawai'i Administrative Rules, Maui and Lana'i Islands Fisheries Rules

#### **H. ADMINISTRATION**

1. Approval to Proceed with the Financial Audit of the Department's Programs

**J. BOATING AND OCEAN RECREATION**

1. Cancellation of Revocable Permit B-03-01 and Reissuance of a Revocable Permit to GKM, Inc. to include an addition of three acres for a Boat/Trailer Storage Facility and Employee Parking at Honokohau Small Boat Harbor, Kealahou, Honokohau, North Kona, Hawaii

**L. ENGINEERING**

1. Permission to Enter Amendment No. 1 to Operations and Maintenance Agreement for the Waimanalo Reservoir Waimanalo Watershed, Oahu, Hawaii
2. Certification of Election and Appointment of Central Maui Soil and Water Conservation District Directors
3. Permission to Contract with Consultants and Contractors for DLNR CIP Projects
4. Appointment of Hana Soil and Water Conservation District Director
5. Request for Authorization to Hold Statewide Public Hearings to Repeal Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 190 and to Adopt Proposed Hawaii Administrative Rules, Title 13, Subtitle 7, chapter 190.1 as Required by the "Hawaii Dam and Reservoir Safety Act of 2007," Chapter 179D HRS - Dams and Reservoirs
6. Approval for Award of Construction Contract for Job No. F78AK41A, Polihale State Park, Earthquake Repairs Waimea, Kauai, Hawaii
7. Approval for Award of Construction Contract for Job No. F75AH41A, Hapuna Beach State Recreation Area Earthquake Repairs to Facility, Kohala, Island of Hawaii, Hawaii
8. Request for Authorization to Enter Into a Memorandum of Understanding (MOU) between the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and the State of Hawaii, Department of Land and Natural Resources, Dam Safety Program, to Establish a Structure and Mechanism for Future Cooperation

**M. OTHER**

1. Issuance of a Third Revocable Permit to Fourth Mate Productions, Inc. at Kalaeloa Barbers Point Harbor, Oahu
2. Issuance of a Revocable permit to Steakz and Cakez LLC, Kahului Harbor, Kahului Maui

3. Issuance of Direct Lease State of Hawaii, Department of Defense Army National Guard, Hilo International Airport

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

ALL MATERIALS LISTED ON THIS AGENDA ARE AVAILABLE FOR REVIEW IN THE DLNR CHAIRPERSON'S OFFICE OR ON THE DEPARTMENT WEBSITE THE WEEK OF THE MEETING AT: <http://hawaii.gov/dlnr/chair/meeting/index.html>

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR ACCOMMODATIONS ARE ASKED TO CONTACT THE CHAIRPERSON'S OFFICE AT (808) 587-0400 AT LEAST THREE DAYS IN ADVANCE OF THE MEETING.